

January 22, 2013

Twin Cities Surveying, Inc.
Attn: Skip Touchon (agent)
615 South Main Street, Suite C
Templeton, CA 93465

NOTICE OF FINAL COUNTY ACTION

HEARING DATE: January 7, 2013

SUBJECT: NANCY CHERRY and BARBARA CONDON
County File Number: SUB2011-00048 /CO11-0022
Document Number: 2013-001_SRB

LOCATED WITHIN COASTAL ZONE: NO

The above-referenced application was approved on the above-referenced date by the San Luis Obispo County Subdivision Review Board. A copy of the findings and conditions are enclosed. The conditions of approval must be completed as set forth in this document.

An approved or conditionally approved tentative parcel map shall expire twenty-four months after its approval or conditional approval. The expiration of the approved or conditionally approved tentative parcel map or tentative tract map shall terminate all proceedings, and no parcel map of all or any portion of the real property included within such tentative parcel map shall be filed without first processing a new tentative map. Upon application of the divider filed with the Department of Planning and Building prior to the expiration of the approved or conditionally approved tentative parcel map, the Subdivision Review Board may extend or conditionally extend the time at which such map expires for a period or periods not exceeding a total of five years pursuant to the provisions of Sections 66412.3, 66473 and 66474 of the Subdivision Map Act and Section 21.48.080 of the Real Property Division Ordinance. (Sec 21.06.010)

Pursuant to County Real Property Division Ordinance Section 21.04.020, you have the right to appeal this decision to the Board of Supervisors up to 14 calendar days from the date of this action, in writing, to the Department of Planning and Building. The appeal fee is \$850.00 and must accompany your appeal form.

If you have questions regarding your project, please contact your **Project Manager, Holly Phipps**, at (805) 781-5600. If you have any questions regarding these procedures, please contact me at (805) 781-5718.

Sincerely,

NICOLE RETANA, SECRETARY
COUNTY SUBDIVISION REVIEW BOARD

cc: Public Works Department

FINDINGS - EXHIBIT A

CEQA Exemption

- A. The project qualifies for a Categorical Exemption (Class 15) pursuant to CEQA Guidelines Section 15315 because the subdivision is within an urban area and will be subdivided into four or fewer parcels.

Tentative Map

- B. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner with the Residential Single-Family land use category.
- C. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance.
- D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because required improvements will be completed consistent with county ordinance and conditions of approval and the design of the parcels meets applicable policies of the general plan and ordinances.
- E. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for development of residential uses.
- F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support two primary dwellings and two secondary dwellings.
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because project is of limited size and scope and because there were no special status animals and no state or federally listed animals located on the property as noted in the biological report (August 12, 2012, Althouse and Meade, Inc.).
- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.
- J. In the interest of the public health and safety, and as a necessary prerequisite to the orderly development of the surrounding area, the construction of all improvements shall occur prior to recordation of the parcel map or, if bonded for, within one year after recordation of the parcel map and prior to the issuance of a permit or other grant of approval for development of a parcel.

Adjustments

- K. That there are special circumstances or conditions affecting the subdivisions because with the additional wires on the opposite side of Eddy Street and the cross section prohibited due to additional wires being high voltage.
- L. That the granting of the adjustment will not have a material adverse effect upon the health or safety of persons residing or working in the neighborhood of the subdivision because the high voltage wires exist overhead today
- M. That the granting of the adjustment will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood of the subdivision because the high voltage wires exist overhead today.

CONDITIONS - EXHIBIT B

Approved Project

1. A Tentative Parcel Map (CO 11-0022) to subdivide an existing lot totaling approximately 89,638 square feet (2.06 acres) into two parcels of 44,767 square feet (1.03 acres), and 44,871 square feet (1.03 acres) for the purpose of sale and/or development.

Access and Improvements

2. Road and/or streets to be constructed to the following standards, unless design exceptions are approved by the Public Works Department in accordance with Section 1.2 of the Public Improvement Standards:
 - a. Eddy Street shall be widened to complete the project frontage of an A-1 rural road section fronting the property within a dedicated right-of-way easement of sufficient width to contain all elements of the roadway prism.
 - b. Cayucos Avenue shall be constructed to an A-1 rural road section, full improvements on the project side plus a full travel lane on the opposite side (20-foot minimum paved width).
 - c. All driveway approaches along Eddy Street and Cayucos Avenue shall be constructed in accordance with County Public Improvement Standards for rural driveways.
 - d. All roadway grading shall be done in accordance with Appendix Chapter 33 of the 1997 Uniform Building Code. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.

Offers, Easements and Restrictions

3. The applicant shall offer for dedication to the public the following easements by certificate on the map or by separate document:
 - a. For Cayucos Avenue, reoffer the existing right-of-way easement to be described as 35 feet from the recorded centerline.
 - b. A 20-foot radius road right-of-way along the property line returns at the intersection of Eddy Street and Cayucos Avenue.
 - c. A public utility easement along Eddy Street and Cayucos Avenue to be described as 6-feet beyond the right-of-way, plus those additional easements as required by the utility company, shall be shown on the final map.
 - d. In accordance with the Templeton Design Plan (Guideline III.D.1), a drainage easement over Toad Creek to be described as from the center of the main channel to the riparian setback line on the project site.
4. The applicant shall reserve the following private easements by certificate on the map or by separate document:
 - a. If a drainage basin is required, the drainage basin along with rights of ingress and egress shall be reserved as a drainage easement in favor of the owners and assigns.
5. The applicant shall show the following restrictions by certificate on the map or by separate document:
 - a. If drainage basins are required then the basin areas shall be indicated as a building restriction on the map.

Improvement Plans

6. Improvement plans shall be prepared in accordance with County Public Improvement Standards by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include, as applicable:

- a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Water plan to be approved jointly with County Environmental Health.
 - d. Sewer plan to be approved jointly with County Environmental Health.
 - e. Grading and erosion control plan for subdivision related improvement locations.
 - f. Public utility plan, showing all existing utilities and installation of all new utilities to serve each lot.
 - g. Tree removal/retention plan for trees to be removed and retained associated with the required improvement for the land division to be approved jointly with the Department of Planning and Building.
7. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
 8. The Registered Civil Engineer, upon completion of the improvements, shall certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.
 9. If environmental permits from the Army Corps of Engineers or the California Department of Fish and Game are required for any public improvements that are to be maintained by the County, the applicant or his engineer, prior to the approval of the plans by the Department of Public Works shall:
 - a. Submit a copy of all such permits to the Department of Public Works OR
 - b. Document that the regulatory agencies have determined that said permit is not required.

Drainage

10. Toad Creek is not capable of carrying additional runoff. Submit complete drainage calculations to the Department of Public Works for review and approval. If calculations so indicate, drainage must be retained or detained in a shallow drainage basin on the property [21.03.010(e)(2)]. The design of the basin is to be approved by the Department of Public Works, in accordance with county standards.
11. Portions of the site are located within a FEMA Flood Hazard Zone A designation as shown on FIRM Map Number 06079C0612F. Submit complete drainage calculations to the Department of Public Works for review and approval in accordance with County Code, Section 22.14.060.
12. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.

Utilities

13. All new electric power, telephone and cable television services shall be completed to each new parcel and ready for service. Applicant responsibilities for electric service and distribution line extensions (facilities and equipment) are detailed in PG&E Electric Rule No.15 and Rule No.16, respectively.
14. Prior to final map recordation, electric, telephone, and cable television services shall be completed, and shall meet the utilities' installation requirements, unless (in-lieu) financial arrangements with the utility for the installation of these systems have been made.

15. New gas distribution mains shall be installed along the entire project frontage(s) and gas service laterals shall be stubbed to each new parcel unless otherwise directed by the gas purveyor.

Additional Map Sheet

16. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
 - a. Notification to prospective buyers that all subdivision roads and streets are to be privately maintained until accepted for maintenance by a public agency.
 - b. If a fenced drainage basin is required, that the owner(s) of Lots 1 and 2 are responsible for on-going maintenance of drainage basin fencing, in perpetuity.
 - c. If a drainage basin is required, that the owner(s) of Lots 1 and 2 are responsible for on-going maintenance of drainage basin and adjacent landscaping in a viable condition on a continuing basis into perpetuity. The basin(s) area shall be indicated as a building restriction.
 - d. All driveway approaches shall be constructed in accordance with County Public Improvement Standards. All driveway approaches constructed on County roads or project related roads to be accepted for County maintenance shall require an encroachment permit.
 - e. The limits of inundation from a 100 year storm over Lots 1 and 2 from Toad Creek shall be shown on the additional map sheet. Building sites shall be located out of areas subject to flooding and all future building permit submittals shall show compliance with County Code 22.14.060, Flood Hazard.
 - f. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed to the satisfaction of the County prior to occupancy of any new structure.
 - g. In accordance with Title 13.01 of the County Code, the applicant shall be responsible for paying to the Department of Public Works the Templeton Road Improvement Fees for each future building permit in the amount prevailing at the time of payment.
 - h. Driveway width is limited to a maximum of 16 feet, except for flag lots, cul-de-sac lots and lots with less than 40 feet frontage, or where a wider driveway is needed for County Fire Department requirements.
 - i. Garages and carports shall be located five feet further back from the street than the front residences, except where limited site area, width and / or access make the required setback infeasible, an adjustment may be approved in compliance with Section 22.70.030. Refer to the Templeton Community Design Plan, pages V-5 through V-6, for more guidance on driveways and garage locations.
 - j. Solid fences and walls that are proposed along public roads and will be visible from the public road shall be constructed of durable and high quality materials including but not limited to: masonry, river cobblestone, stucco or a combination of wood with stone or stucco columns. Solid wood fences are not allowed unless they are continuously screened with landscaping and maintained. Refer to the Templeton Community Design Plan, page V-16 through V-18, for criteria on fence and wall materials and detailing.
 - k. Construction of single-family residences shall show compliance with the Templeton's Community Design Plans standards for single-family residences.

Covenants, Conditions and Restrictions

17. The developer shall submit proposed Covenants, Conditions, and Restrictions (CC&R) for the subdivision to the county Department of Planning and Building for review and approval, and shall establish a Property Owners' Association or other organized and perpetual mechanism to ensure adequate private maintenance, acceptable to the Department of Planning & Building,

and in conformance with the requirements of the State Department of Real Estate. The CC&R shall provide at a minimum the following provisions:

- a. If a fenced drainage basin is required, on-going maintenance of drainage basin fencing, in perpetuity.
- b. If a drainage basin is required, on-going maintenance of drainage basin and adjacent landscaping in a viable condition on a continuing basis into perpetuity.
- c. Operation and maintenance of public road frontage sidewalks, landscaping, and pedestrian amenities in a viable condition and on a continuing basis into perpetuity, or until specifically accepted for maintenance by a public agency.
- d. The limits of inundation from a 100 year storm over Lots 1 and 2 from Toad Creek shall be shown on the additional map sheet and on an exhibit attached to the CC&R. Building sites shall be located out of areas subject to flooding.
- e. Notification to prospective buyers that an additional map sheet was recorded with the final parcel or tract map. The restrictions, conditions and standards set forth in the additional map sheet apply to future development. It is the responsibility of the prospective buyers to read the information contained on the additional map sheet.

Parks and Recreation (Quimby) Fees

18. Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total number of new parcels shown on the map that do not already have legal residential units on them.
19. Prior to recordation of final map, if required, the applicant shall dedicate a 12 foot trail easement along Toad Creek. The location of the trail easement is to be approved by the Parks Division.

Miscellaneous

20. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and sewer a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
21. All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.
22. Prior to recordation of the final map the two existing sheds on Parcel 2 shall be removed or bonded for removal at final building inspection of the residence. Per the Land Use Ordinance, accessory structures are not allowed when subdividing unless you have a primary use on site. If bonded for, the buildings can remain for two years and the bond would be released at time of final inspection of the primary residence.

STANDARD CONDITIONS OF APPROVAL FOR
SUBDIVISIONS USING COMMUNITY WATER AND SEWER

1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved community water source shall be assured prior to the filing of the final map. A "final will serve" letter shall be obtained and submitted to the county Health Department for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Water main extensions, laterals to each parcel and related facilities (except well(s)) may be bonded for subject to the approval of county Public Works, the county Health Department and the public water utility.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by the county Health Officer.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and county Health Department destruction standards. The applicant is required to obtain a permit from the county Health Department.
5. When a potentially operational or operational auxiliary water supply in the form of an existing well(s) is located on the parcels created and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an approved cross-connection control device installed at the meter or property line service connection prior to occupancy. (Chapter 8.30, San Luis Obispo County Ordinance)
6. Sewer service shall be obtained from the community sewage disposal system.
7. Prior to the filing of the map a "final will serve" letter be obtained and submitted to the county Health for review and approval stating that community sewer system service is immediately available for connection to the parcels created. Sewer main extensions may be bonded for, subject to the approval of county Public Works and sewer district.
8. No residential building permits shall be issued until community sewers are operational and available for connection.
9. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.
10. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.
11. Any existing reservoir or drainage swale on the property shall be delineated on the map.
12. Prior to submission of the map "checkprints" to county Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
13. Required public utility easements shall be shown on the map.
14. Approved street names shall be shown on the map.
15. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.

16. The developer shall submit a preliminary subdivision guarantee to county Public Works for review prior to the filing of the map.
17. Any private easements on the property shall be shown on the map with recording data.
18. All conditions of approval herein specified, unless otherwise noted, shall be complied with prior to the filing of the map.
19. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
20. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
21. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.